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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/091,810

03/06/2002

Robert L. Miller II

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24504

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01/30/2006

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EXAMINER

TRUONG, LAN DAI T

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/091,810

**Applicant(s)**

MILLER ET AL.

**Examiner**

lan dai thi trung

**Art Unit**

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is response to communications: application, filed 03/06/2002; amendment filed 10/31/2005. Claims 1-25 are pending. Claims 1, 6-8, 11-12, 14 are amended. Claims 17-25 are added.

### **Response to Arguments**

2. Applicant's argument filed 09/30/2005 has been fully considered. Based on claims language and Examiner's interpretations, Applicant's arguments are not persuasive. The rejection is retained

3. Regarding to applicant's argument:

-There is no such "user defined value": (Carcerano discloses a user can make a change on device configuration by fill in information in a blank or make a selection from a drop-down menu: Fig.7, items 127; column 15, lines 57-64)

-Fail to disclose at least "template data having a user defined value indicative of how a network element is to be provisioned" and a "system controller configured to ...automatically provision the network element attribute for each of the identified network elements based on the user defined value store in memory": (Carcerano discloses each of the network device is repeatedly polled for updating a configuration, means "system controller configured to ...automatically provision the network element attribute for each of the identified network elements", see : abstract, lines 1-5. Carcerano also discloses the user requests new configuration for network device by change configuration parameters in the template retrieved from the memory and store the updated template back to the database: Fig. 7; Fig. 5, items 107, 105; column 2, lines 47-54; column 8, lines 20-26)

**Claim rejections-35 USC § 112**

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For examination purpose, the correction is requested.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 recites the limitation "...the first provision template..." in page 8, lines 4, and "...Selecting between the first and second provision templates based on the request, wherein the retrieving step is based on the selecting between the first and second provision templates step" in page 8, lines 6-8. There is insufficient antecedent basis for this limitation in the claim.

**Claim rejections-35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**1) Claims 1-17, 20-21 and 24-25 are rejected under 35 U.S.C. 102(a) as being anticipated by Carcerano et al. (U.S. 6,308,205), "Carcerano" herein after**

**Regarding to claim 1, which is exemplary of claims 2, 12 and 13:**

Carcerano discloses the invention substantially as claimed, including a system and method for managing elements of a communication network, comprising:

Memory for storing template data, the template data having a user defined value indicative of how a network element attribute is to be provision: (Carcerano discloses a database contains configuration information templates wherein configuration parameters can be changed or updated by the remote workstations: Fig 5, items 105, 107; column 2, lines 46-53).

A system controller configured to identify a plurality of network elements within the communication network based on user input and to automatically provision the network element attribute for each of the identified network elements based on the user defined value stored in memory: ("the request" which is equivalent to "user input" identifies a target device and its configuration value: Fig.7, items 127; column 1, lines 25-38, 52-67; column 2, lines 11-67; column 15, lines 57-64).

**Regarding to claim 4, which is exemplary of claim 7:**

In addition to the rejection in claim 1, Carcerano further discloses:

Wherein the EMS is interfaced with a plurality of clients: (Fig. 1, item 3, 34, 13, 45, 37 e.g.).

Wherein the system controller is configured to receive the template data from one of the clients and to store the received template data in the memory (the user requests new configuration for network device by changing configuration parameters in the template retrieved from the memory. Then updated template is stored back to the database: Fig. 7; Fig. 5, items 107, 105; column 2, lines 47-54; column 8, lines 20-26).

**Regarding to claim 8, which is exemplary with claim 20:**

Carcerano discloses the invention substantially as claimed, including a system for managing elements of a communication network, comprising:

Memory: (Fig 4, item 93).

A system controller configured to receive a provision template and to store the provision template in the memory, the provision template having control values, each of control values for controlling respective a network element attribute, the system controller configured to receive a request that identifies the provision template and to retrieve the provision template in response to the request, the system controller further configured to select a plurality of network elements within the communication network and to automatically provision each of the selected network elements based on each of the control values of the retrieved provision template: (a template retrieved from the database to be updated according to user requesting, then the updated template is stored back into the database: Fig 5, items 107, 105; column 2, lines 35-61).

**Regarding to claim 10:**

In addition to the rejection in claim 8, Carcerano further discloses:

The system controller is configured to automatically provision the selection network elements in response to the request (the server executes modified configuration parameters

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template in order to update network device configuration: Fig 7, items 126, 127, 128; Fig 8, items s803 items 76, 88; column 9, lines 42-67; column 10, lines 1-25).

**Regarding to claim 9, which is exemplary of claim 11:**

In addition to the rejection in claim 8, Carcerano further discloses:

The EMS is interfaced with a plurality of clients (Fig. 1, item 3, 34, 13, 45, 37 e.g.)

The system controller is configured to provide the retrieved provision template to one of the clients in response to the request (the provision template is retrieved form data base in HTML format so user can fill in configuration information in a blank or selecting configuration information from the drop-down window: column 2, lines 5-67; column 9, lines 62-67; column 10, lines 1-11; column 2, lines 47-54).

The one client is configured to change the provision template based on user inputs and to communicate the changed provision template to the EMS; and the system controller, in provisioning the selected network elements, is configured to utilize control values indicated by the changed provision template: (the requesting station sends a request which identifies the target one of network device for updating configuration. The user can fill in or selects configuration parameters into template. Then the updated template is stored back to the server database and executes to indicate updated control value for requested network device: fig 7, items 126, 127, 128; Fig.8 items S803, S805; column 2, lines 35-67; column 9, lines 34-42).

**Regarding to claim 14:**

Carcerano discloses the invention substantially as claimed, including a method for managing elements of a communication network, comprising:

Defining a provision template based on user input; the provision template having control values, each of the control values for controlling a respective network element attribute: (the user can fill in or select configuration parameters from a blank or the drop-down window: Fig7, items 126, 127, 128; column 15, lines 50-64).

Receiving a request that identifies the provision template: (the request identifies the target device and its configuration data: column 2, lines 35-61)

Retrieving the provision template in response to the request: (the request identifies the target device and its configuration data: column 2, lines 35-61)

Selecting a plurality of network elements within the communication network; and automatically provisioning each of the selected network elements based on each of the control values of the retrieved provision template: (the request identifies the target device and its configuration. A provision template is retrieved from database and sent to user to execute column 2, lines 35-61; column 9, lines 43-67; column 10, lines 1-25).

**Regarding to claim 15, which is exemplary of claim 16:**

In addition to the rejection in claim 14, Carcerano further discloses:

Displaying the retrieved provision template in response to the request (the retrieved template is displaced in HTML format: column 9, lines 43-67).

Updating the provision template base on user inputs wherein the provisioning step includes the step of storing control values indicated by the update provision template into each of the selected network elements (user can fill in or select updated configuration information from blank or drop down window in retrieved template, and the updated template is stored back into database: Fig 5, items 104, 105, 107; column 15, lines 56-67).



**Regarding to claim 3:**

In addition to the rejection in claim 1, Carcerano further discloses:

The EMS is interfaced with a plurality of clients: (Fig. 1, item 3, 34, 13, 45, 37 e.g.).

One client is configured to display a GUI based on the selected set of GUI code and to define the template data based on user inputs received by the one client, the one client further configured to transmit the template data to the EMS: (template is displayed in HTML format, and the user can input the updated configuration information in the template and send it back into database: column 9, lines 43-67).

The memory stores sets of graphical user interface (GUI) code, each of the sets of GUI code defining a different GUI; the system controller is configured to select one of the sets of GUI code and to provide the selected set of GUI code to one of the clients: (there are HTML templates in the database so the user can make selection on configuration information, and each HTML template defines configuration for each network device: Fig 5, items 11, 107; Fig 6, items 141; column 9, lines 43-67).

**Regarding to claims 5 and 6:**

In addition to the rejection in claim 4, Carcerano further discloses:

Wherein the system controller receives the template data from the one client during a first communication session that is between the EMS and the one client, and wherein the system controller is configured to provide the template data to another of the clients during a second communication session that is between the EMS and the other client; wherein the system manager is configured to automatically provision each of the identified network elements in response to a request received from the other client during the second communication session

(template is displayed in HTML format, and the user can input updated configuration information in that template and send it back to database. Although Carcerano does not explicitly disclose there different sessions perform in his invention; however this feature is deemed to be inherent to the Carcerano's system, see (abstract, lines 15-20; column 9, lines 43-67).

**Regarding to claims 17 and 25:**

In addition to the rejection in claims 14 and 24, Carcerano further discloses:

Defining a second provision template, wherein the second provision template has a control values for controlling a particular network element attribute and wherein one of the control values of the first provision template is for controlling the particular network element attribute: (column 1, lines 25-38, 52-67; column 2, lines 5-67)

Selecting between the first and second provision templates based on the request, wherein the retrieving step is based on the selecting between the first and second provision templates step: (column 1, lines 25-38, 52-67; column 2, lines 5-67)

**Regarding to claims 21 and 24:**

Defining a first provision template having a user defined value for a network element attribute: (receiving "updating configuration data" which is equivalent to "user defined value": abstract, lines 1-20; column 20, lines 50-67; column 21, lines 1-4)

Provisioning a first plurality of network elements based on the first provision template, wherein the provisioning a first plurality of network elements step comprises the step of automatically setting, within each of the first plurality of network elements, a control value for the network element attribute based on the user defined value of the first provision template: (The user can fill in or selects "configuration parameters" which is equivalent to "control values"

into template, modified parameter is sent back into the server database and executed to updated control value for requested network device: fig 7, items 126, 127, 128; Fig.8 items S803, S805; column 2, lines 35-67; column 9, lines 34-42).

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 18-19 and 22-23 are rejected under 35 U.S.C 103(a) as being un-patentable over Carcerano in view of Sheldon et al. (U.S. 2003/0028535)**

#### **Regarding to claims 18-19 and 22-23:**

Carcerano discloses the invention substantially as disclosed in claims 1 and 21, but does not explicitly teach wherein the network element attribute is line speed, and wherein the system controller establishes the line speed of each the plurality of network elements based on the control value.

However, Sheldon discloses a call control database maintains “bandwidth capabilities” which is equivalent to “line speed” of each endpoint: [0012-0014]; [0040-0041]

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Sheldon’s ideas of using a control database maintains bandwidth

capabilities with Carcerano's system in order to provide a convenient way to establish the appropriate network connection, see (Sheldon: [0059])

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong  
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Art Unit 2143

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01/17/2006

  
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